

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America
v.
RICKY NELSON SIMPSON

Case No: 2:14-CR-7-1D

USM No: 58484-056

Date of Original Judgment: February 18, 2015

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Robert Waters

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____

The defendant was sentenced under the provisions of Amendment 782 and received the benefit of Amendment 782. Therefore, no further reduction in defendant's advisory guideline range or sentence is warranted. Moreover, even if the court had discretion, it would not reduce Simpson's sentence in light of his serious criminal conduct and serious criminal history. Finally, defendant's motion to appoint counsel [D.E. 76] is DENIED as moot. Defense counsel did review the matter and notified the court and the defendant that counsel would not file a motion for relief under Amendment 782.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated
February 18, 2015, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 11/22/16


Judge's signature

Effective Date: _____
(if different from order date)

James C. Dever III Chief U.S. District Judge
Printed name and title